



Homeland
Security

R205

Dear National Fire Academy Student:

Congratulations on your acceptance into the U.S. Fire Administration's National Fire Academy's *Fire/Arson Investigation* (R205) course. Your assistance is requested in preparation for this educational opportunity.

If possible, you should bring a copy of any official report forms used in your daily routine of fire investigations. These include: consent to search, for residential and commercial; fire report forms; vehicle fires; fire death reporting forms; photography log; evidence log, diagram or sketch forms; and any other forms you may use. These report forms will be compiled and used in class, and reviewed by other investigators who are participating in this arson course.

A portion of this course will be devoted to an outside activity, which will be conducted in the Fire/Arson Burn Simulators on campus. This outside activity will be conducted regardless of weather conditions. Therefore, you are required to bring:

- 1) A raincoat or rain suit
- 2) A heavy jacket or coat (for cold/winter weather)
- 3) Work gloves
- 4) Work shoes or boots for use in the Burn Simulators (not firefighter boots)

In order to cover the amount of material required for this course, completion of work assignments and studying after classroom hours will be necessary. Also, evening classes may be conducted to complete all course requirements. A key preparatory component to this course is the pre-course reader. **Please reference the enclosed pre-course reader in preparation for your attendance.**

Increasing students and instructors are bringing laptop computers to campus. You alone are responsible for the security and maintenance of your equipment. The Academy cannot provide you with computer software, hardware, or technical support to include disks, printers, scanners, etc. There is a limited number of 120 Volt AC outlets in the classrooms. A Student Computer Lab is located in Building D and is available for all students to use. It is open daily with technical support provided in the evenings. This lab uses Windows XP and Office 2003 as the software standard.

Should you need additional information related to course content or requirements, please feel free to contact Mr. Douglas R. Williams, Arson Mitigation Curriculum Training Specialist, at (301) 447-1158 or email at Doug.Williams@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Denis Onieal". The signature is fluid and cursive, with a large initial "D" and "O".

Dr. Denis Onieal, Superintendent
National Fire Academy
U.S. Fire Administration

September 2000

PRECOURSE READER

Fire/Arson Investigation: Pre-Course Reader

Congratulations on your acceptance into the *Fire/Arson Investigation* course. Through your attendance, this course will allow you to use concepts and methods that face the fire investigator. The course is designed to provide the knowledge and skills necessary to

1. Develop an understanding of the scientific principles of fire dynamics.
2. Ensure a systematic approach to proper scene investigation and documentation.
3. Conduct a systematic origin and cause investigation.
4. Facilitate a thorough followup investigation and case presentation.

In order to enhance your learning in this course, preparation on your part is essential. As each class consists of professionals from the fire service and law enforcement communities, familiarity with the contents of this reader, coupled with the recommended readings, will enable you to participate more effectively in discussions on fire dynamics, fire chemistry, and fire terminology which is covered in Part I. Part II of the reader provides information that will be discussed in detail in the legal module during the second week of the class with emphasis on legal terminology and concepts, along with representative case law germane to the field of fire investigations.

Subjects covered in the 2-week course are broken down into the following units of instruction:

- Unit 1. Introduction
- Unit 2. Chemistry and Physics of Fire Behavior
- Unit 3. Building Construction and its Components
- Unit 4. Determining the Point of Origin
- Unit 5. Accidental Fire Causes
- Unit 6. Indicators of Incendiarism
- Unit 7. Incendiary Devices, Explosions, and Explosives
- Unit 8. Automobile Fires
- Unit 9. Injury and Fatal Fire Investigation
- Unit 10. Fire Scene Investigation
- Unit 11. Collection and Preservation of Evidence
- Unit 12. Motivation of the Firesetter
- Unit 13. Legal Considerations
- Unit 14. Report Writing
- Unit 15. Interviews and Interrogations
- Unit 16. Burn Simulation and Team Presentations

Significant study time will be required for this course, along with quizzes and written examinations. A minimum score of 80 is required on the mid-term and final exams for successful completion. Due to the short period of time you will be here, and in consideration of the volume of material, it is the students' responsibility to become familiar with the overall content as some aspects of the course are not covered in extensive detail during classroom lecture.

This course is designed to meet or exceed the applicable sections of the National Fire Protection Association's (NFPA's) *Standard for Professional Qualifications for Fire Investigator*, NFPA 1033.

The following reference materials are highly recommended reading prior to your attendance.

- DeHaan, John D. *Kirk's Fire Investigation*, 5th Ed., New Jersey: Brady, 2002
- NFPA 921, *Guide for Fire and Explosion Investigations*, 2004 Ed., Quincy: National Fire Protection Association
- NFPA 1033, *Standard for Professional Qualifications for Fire Investigator*, 2003 Ed., Quincy: National Fire Protection Association

If you have any questions regarding the readings or curriculum, please feel free to contact Douglas R. Williams, Training Specialist for Arson Mitigation at (301) 447-1158 or email at doug.williams@dhs.gov.

Part I CHEMISTRY AND PHYSICS OF FIRE

Those that are responsible for the investigation of fire scenes must have a working knowledge of the behavior of fire since they often are required to interpret the aftermath of a fire, and frequently are required to use both technical and/or general explanations of fire behavior in legal proceedings.

A knowledgeable understanding of the behavior of fire helps to demonstrate the investigator's credibility in the area of fire cause determination. This understanding, coupled with the ability to explain the behavior of fire, will add credibility to court testimony and to the investigator's opinion into the origin and cause of the fire.

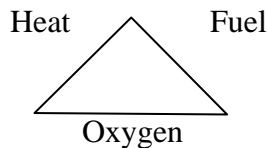
One of the more popular tactics used by arson defense attorneys is to attack the investigator's credibility with regard to fire behavior. Therefore, a solid, basic understanding of the behavior of fire is the foundation from which any fire cause investigation will be developed and through which the investigator's credibility as an expert witness will be determined.

Fire is a complex chemical process, and fire investigators must understand the basic chemistry and physics involved, which will enable them to formulate their opinions based on these sound scientific principles. If the investigator is not able to explain the technical aspects of fire behavior, he/she will have a tough time qualifying as an expert witness. The opposing attorneys easily can use questions about the chemistry and physics of fire to discredit a fire investigator effectively.

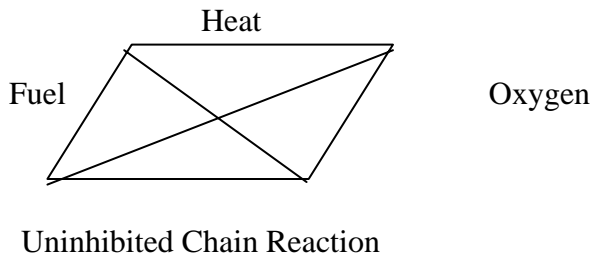
Fire, or better, the **diffusion flame process**, consists of three basic elements: fuel, oxygen, and heat. These basic components have been recognized in the science of fire protection for over 100 years. The diffusion flame process is defined as "a rapid self-sustaining oxidation process accompanied by the evolution of heat and light of varying intensities."

Six elements are needed in the life cycle of fire: input heat, fuel, oxygen, proportioning, mixing and ignition continuity. All of these elements are essential for both the initiation and continuation of the diffusion flame process. The first three elements, heat, fuel, and oxygen are represented by the fire triangle. Reference diagram:

Fire Triangle



The combustion reaction can be depicted more accurately by a four-sided solid geometric form called a tetrahedron. The four sides represent heat, fuel, oxygen, and uninhibited chain reactions.



Input Heat

Solid or liquid materials do not burn. For combustion to take place, these materials must be heated sufficiently to produce vapors. It is these vapors which actually burn. The lowest temperature at which a solid or liquid material produces sufficient vapors to burn under laboratory conditions is known as the **flashpoint**. A few degrees above the flashpoint is the **flame point**, the temperature at which the fuel will continue to produce sufficient vapors to sustain a continuous flame. The temperature at which the vapors will ignite is the **ignition temperature**, sometimes referred to as the auto ignition temperature. If the source of the heat is an open flame or spark, it is referred to as **piloted ignition**.

For example, gasoline has a flashpoint of -45°F (-42.8°C) and an ignition temperature of 536°F (280°C). This means that at any temperature at or above -45°F (-42.8°C), the gasoline will be producing sufficient vapors to be ignited if exposed to an open flame, spark, or any heat source of 536°F (280°C) or greater.

Fuel

Initially the fuel may be in the form of a gas, liquid, or solid at the ambient temperature. As discussed previously, liquid and solid fuels must be heated sufficiently to produce vapors.

In general terms, **combustible** means capable of burning, generally in air under normal conditions of ambient temperature and pressure, while **flammable** is defined as capable of burning with a flame. This should not be confused with the terms flammable and combustible liquids.

Flammable liquids are those which have a flashpoint below 100°F (37.8°C), such as gasoline, acetone, and ethyl alcohol. **Combustible liquids** are those which have a flashpoint at or above 100°F (37.8°C), such as kerosene and fuel oil.

The **specific gravity** of a liquid is the ratio of the weight of the substance to that of water, which is assigned a value of 1. A substance with a specific gravity greater than 1 will tend to sink, while one whose specific gravity is less than 1 will tend to float.

Oxygen

The primary source of oxygen normally is the atmosphere, which contains approximately 20.8 percent oxygen. A concentration of at least 15 to 16 percent is needed for the continuation of flaming combustion, while charring or smoldering (**pyrolysis**) can occur with as little as 8 percent. Pyrolysis is defined as the transformation of a compound into one or more other substances by heat alone. While the atmosphere is usually the primary source of oxygen, certain chemicals, called "oxidizers" can be either the primary or secondary source. Examples are chlorine and ammonium nitrate.

Mixing and Proportioning

Mixing and proportioning are reactions which must be continuous in order for fire to continue to propagate. The fuel vapors and oxygen must be mixed in the correct proportions. Such mixture of fuel vapors and oxygen is said to be within the **explosive limits** or **flammable limits**. Explosive or flammable limits are expressed in the concentration (percentage) of fuel vapors in air. A mixture which contains fuel vapors in an amount less than necessary for ignition to occur is too lean, while a mixture which has too high a concentration of fuel vapors is too rich.

For example, the explosive or flammable limits for propane are 2.15 to 9.6. This means that any mixture of propane and air between 2.15 percent and 9.6 percent will ignite if exposed to an open flame, spark, or other heat source equal to or greater than its ignition temperature, which is between 920°F (493.3°C) and 1,120°F (604.4°C).

Another important characteristic of gases is **vapor density**--the weight of a volume of a given gas to an equal volume of dry air, where air is given a value of 1.0. A vapor density of less than 1.0 means that the gas is lighter than air and will tend to rise in a relatively calm atmosphere, while a vapor density of more than 1.0 means that the gas is heavier than air and will tend to sink to ground/floor level.

Ignition Continuity

Ignition continuity is the thermal feedback from the fire to the fuel. Heat is transferred by conduction, convection, radiation, and direct flame contact.

- **Conduction** is the transfer of heat by direct contact.
- **Convection** is the transfer of heat caused by changes in density of liquids and gases. It is the most common method of heat transfer; when liquids or gases are heated they become less dense and will expand and rise.
- **Radiation** is the transfer of heat by infrared radiation (heat waves, e.g., the sun) which generally is not visible to the naked eye.

- **Direct flame contact** is a combination of two of the basic methods of heat transfer. As hot gases from the flame rise into contact with additional fuel, the heat is transferred to the fuel by convection and radiation until the additional fuel begins to vaporize and it is the vapors that will be ignited by the flames.

The amount of heat generated is measured in **British thermal units** or **Btu's**. One Btu is the amount of heat required to raise the temperature of 1 pound of water 1°F.

Fires are classified by the types of materials that are burning. **Class A fires** involve ordinary combustible materials such as wood, cloth, paper, rubber, and many plastics. **Class B fires** involve flammable/combustible liquids, greases, and gases. **Class C fires** involve energized electrical equipment. **Class D fires** involve combustible metals such as magnesium, titanium, zirconium, sodium, and potassium.

All fires produce **combustion products**. Combustion products fall into four categories: heat, gases, flame, and smoke. **Heat** is defined as a form of energy characterized by vibration of molecules and capable of initiating and supporting chemical changes and changes of state. **Gases** are substances that have no shape or volume of their own and will expand to take the shape and volume of the space they occupy. Fire gases include carbon monoxide, hydrogen cyanide, ammonia, hydrogen chloride, and acrolein. **Flame** is the luminous portion of burning gases or vapors. **Smoke** is the airborne particulate products of incomplete combustion, suspended in gases, vapors, or solid or liquid aerosols. Soot, black particles of carbon, is contained in smoke.

A fire in a **room** or a **defined space** generally will progress through three predictable developmental stages. The behavior of a fire in a **corridor** is affected by the same conditions as a room or defined space fire. The physical configuration of a corridor can cause the fire to spread rapidly, since the corridor will function as a horizontal chimney or flue. Rapid fire spread in a corridor can occur with normal materials providing the fuel load. In order to determine the origin and cause of a fire, the investigator must be able to interpret the effects of the three stages of fire development during the examination of the fire scene.

The first stage of fire development is the **incipient stage** (growth). This begins at the moment of ignition, and at this time the flames are localized. At this stage the fire is **fuel regulated**. That is, the fire propagation is regulated not by the available oxygen but by the configuration, mass, and geometry of the fuel itself. The oxygen content is within the normal range and normal ambient temperatures still exist. A plume of hot fire gases will begin to rise to the upper portions of the room. As convection causes the plume to rise it will draw additional oxygen into the bottom of the flames. Fire gases such as sulfur dioxide, carbon monoxide, and others will begin to accumulate in the room. If there is any solid fuel above the flame, both convection and direct flame contact will cause upward and outward fire spread, producing the characteristic "V" pattern charring.

Second is the **free-burning stage** (development). In this stage more fuel is being consumed, and the fire is intensifying. Flames have spread upward and outward from the initial point of origin by convection, conduction, and direct flame impingement. A hot, dense layer of smoke and fire

gases is collecting at the upper levels of the room and is beginning to radiate heat downward. This upper layer of smoke and fire gases contains not only soot but also toxic gases such as carbon monoxide, hydrogen cyanide, hydrogen chloride, arcolein, and others. Unless the room of origin is sealed tightly, the smoke and fire gases will be spread throughout the building. The temperature at the ceiling level has begun to rise rapidly while the floor temperature is still relatively cool. It is still possible to survive in the room at the cooler lower level.

The fire continues to grow in intensity and the layer of soot and fire gases drops lower and lower. The soot and combustible gases continue to accumulate until one (or more) of the fuels reaches its ignition temperature. **Rollover** occurs when ignition of the upper layer results in fire extending across the room at the ceiling level. This rollover causes the ceiling temperature to increase at an even greater rate and also increases the heat being radiated downward into the room. Secondary fires can and do result from the heat being generated. The fire is still fuel regulated at this time.

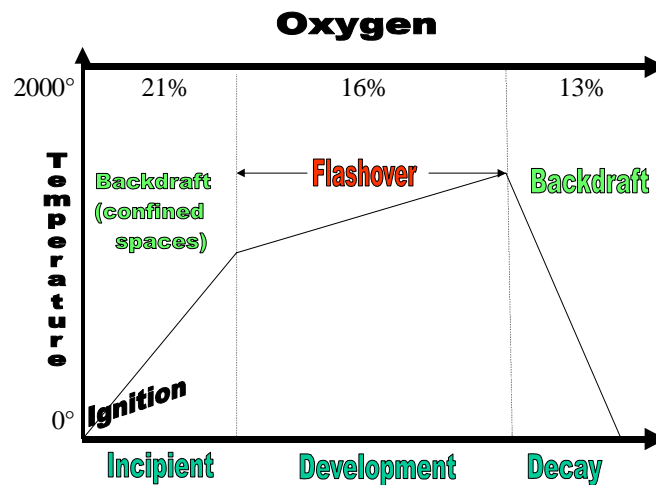
When the upper layer reaches a temperature of approximately 1,100°F (593.3°C), sufficient heat is generated to cause simultaneous ignition of all fuels in the room. This is called **flashover**. Once flashover has occurred, survival for more than a few seconds is impossible. Temperatures in the space will reach 2,000°F (1,093.3°C) or more at the ceiling level down to over 1,000°F (538.8°C) at the floor. At the point of flashover the fire is still fuel regulated; however, if the fire stays confined to the room of origin it quickly becomes oxygen regulated. The rapid temperature rise associated with flashover generally results in windows breaking, which then produces an unlimited supply of oxygen causing the fire to transfer back to the fuel regulated phase. As a general rule, once flashover has occurred full involvement of the structure quickly follows.

Flashover results in intense burning of the entire room and its contents. Flashover will produce heavy floor-level burning and even can result in burning on the underside of objects in the room.

The length of time necessary for a fire to go from the incipient stage to flashover depends upon the fuel package, the room geometry, and ventilation. In the typical residential accidental fire setting, this time may be as quick as 2 to 3 minutes.

Eventually the fuel is consumed and open burning becomes less and less prevalent. If the fire has been contained to a room or space, and the oxygen level drops below 15 to 16 percent, open flaming combustion will stop even if unburned fuel still is present. At this point, glowing combustion will take place; this is known as the **smoldering stage**

Developmental Stages of Fire



(decay). High temperature and considerable quantities of soot and combustible fire gases have accumulated, and the fire is oxygen regulated. The temperatures may exceed the ignition temperatures of the accumulated gases. If a source of oxygen is introduced in the area, the accumulated soot and fire gases may ignite with explosive force. This smoke explosion is known as a **backdraft**. The pressures generated by a backdraft are enough to cause significant structural damage and endanger the lives of firefighting personnel and bystanders. Backdrafts can take place in any enclosed space; they are not limited to rooms. Attics, basements, and concealed ceiling spaces also are susceptible. There also is a danger of backdraft during overhaul.

An essential component to understanding the thermodynamics of fire is also understanding building construction and how fires progress through occupancies. There are five types of buildings. **Type I--Fire-Resistive** is where the structural elements of the building are always steel, iron, concrete, or masonry. Walls and permanent partitions shall be of noncombustible fire-resistive construction except that permanent nonbearing partitions may have fire-retardant treated wood. **Type II--Non-Combustible/Fire-Resistive** construction in which the walls, partitions, and structural members are of noncombustible materials, but do not qualify as a Type I building. These buildings also have at least a 1-hour or a no-hour construction feature. **Type III--Ordinary Construction** in which exterior bearing walls or bearing partitions of exterior walls are of noncombustible materials and have a minimum hourly fire-resistive rating. Wood is allowed for interior use only. **Type IV--Heavy Timber Construction** where exterior bearing and nonbearing walls are noncombustible and have a minimum fire-resistive rating of 4 hours. Columns, beams, and girders are commonly heavy timber with wood floors and roof construction built without concealed spaces. **Type V--Wood-Frame Construction** in which

exterior walls, bearing walls, partitions, floors, and roofs, as well as their supports, are wholly or partly wood or other combustibles.

Structural loads and loading is another concept that has an outcome in the fire investigation field. There are four types of loads: **Dead Load** is the weight of the building and any equipment permanently attached or built-in. **Live Load** is any load other than dead load. Live loads vary with intended usage. Examples are occupants, storage, furnishings not permanently attached or built-in. Fire operations increase the live loads both in water accumulation and in fire personnel. **Impact Loads** are delivered in a short period of time. They can be more harmful when supported as dead or live loads. Examples of common impact loads are explosions, wind, and earthquakes. **Fire Loads** are the total number of British Thermal Units (Btu's) which might be evolved during a fire in the building or area under consideration and the rate at which the heat will be evolved. Occupancy type has a direct relationship to fire load and generally dictates the possible fire load.

The fire investigator also needs to consider building elements into the fire scene investigation. These include

- Walls and partitions
 - Rating of fire walls
 - Wall finish and certifications
 - Wall integrity
- Ceiling assemblies
 - Concealed spaces acting as flues
 - Ceiling integrity
- Floor assemblies
 - Floor coverings
 - Floor integrity
 - Concealed spaces acting as flues
- Attic and roof assemblies
 - Usually susceptible to fire spread
 - Often constructed of unprotected materials
 - Storage of combustibles
 - Attic areas (unprotected concealed spaces) should not exceed 3,000 square feet without fire walls.

Part II

LEGAL CONSIDERATIONS

Arson Common Law

The body of law which was brought over from England when the American colonies began to adhere to the laws of England. At common law, arson was the "willful and malicious burning of the dwelling house of another." "Dwelling house" also included structures appurtenant thereto. Generally, the common law required that the house be "inhabited" before the crime could be committed. This did not, however, require the house to be occupied by someone before an arson could occur; it meant the house must not be abandoned.

Statutory Law

Laws codified by State legislatures regarding the elements of a crime. Illinois (720 ILCS 5/20-1) defines arson as knowingly damaging "any real property, or any personal property having a value of \$150 or more, of another without his consent." Texas (Chapter 28.02) defines arson as "starting a fire or causing an explosion with intent to destroy or damage any building, habitation, or vehicle."

Case Law

Judicial interpretation of the statutory law as provided by the Congress or State legislatures. Case law may occur where statutory law does not. The Exclusionary Rule of the Fourth Amendment is a judicial creation. The Exclusionary Rule of the Fifth Amendment is a judicial creation. If the Congress or legislature does not approve of the judicial decision rendered, it can pass new legislation. This is a brief example of the "checks and balances" provided by the Constitution.

Other crimes/laws related to fires, burning.

Definition of arson varies. Some statutes define arson as occurring only when a building or inhabitable structure is damaged by fire.

Elements of the offense of arson (*corpus delecti--body of the crime*).

- Must have a burning with damage to property.
- Must have a criminal intent.
- Motive is not an element of the offense; although it may be helpful in explaining what happened.
- Conduct of the accused in starting, conspiring to start, aiding and abetting, or otherwise being involved in the fire.
- Must prove the fire was not a result of accidental causes.

- Prove incendiary origin (to show "willful and malicious" element of the offense).

Burdens of proof.

Criminal--"Proof beyond a reasonable doubt."

Civil--"Preponderance of the evidence."

Obligations for prosecution.

Prosecution must disclose, generally, all evidence in its possession that may benefit the defendant ("evidence favorable to the accused").

Fourth Amendment Elements

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." (U.S. Constitution, Amendment IV.)

The Fourth Amendment applies to the States through the Due Process Clause of the Fourteenth Amendment. *Mapp v. Ohio*, 367 U.S. 643 (1961). "No warrant shall issue, but upon probable cause." "Probable cause is a flexible, common-sense standard. It merely requires that the facts available to the officer would warrant a man of reasonable caution in the belief that certain items may be contraband or stolen property or useful as evidence of a crime. A practical, nontechnical probability that incriminating evidence is involved is all that is required." *Texas v. Brown*, 460 U.S. 730, 742 (1983). "Right of the people to be secure against unreasonable searches and seizures."

Searches without a warrant violate the Fourth Amendment unless exigent circumstances exist. Before agents of the government may invade the sanctity of the home, the burden is on the government to demonstrate exigent circumstances that overcome the presumption of unreasonableness that attaches to all warrantless home entries. *Welsh v. Wisconsin*, 466 U.S. 740, 750 (1984). Exigent circumstances which the courts have found relieve the government from obtaining a search warrant:

- Fighting a fire.
 - *Michigan v. Clifford*, 464 U.S. 287, 294 (1984).
 - *Michigan v. Tyler*, 436 U.S. 499 (1978).
- To prevent imminent danger to police officers or others.
- Imminent destruction or concealment of evidence. *United States v. Santana*, 96 S. Ct. 2406 (1976).
- "Hot pursuit" of a fleeing felon.
- Sound of gunfire. *People v. Davis*, 473 NW2d 748 (Mich. Ct. App. 1991).
- View from outside of victim lying on the floor, bleeding profusely, and defendant stabbing him. *People v. Rivera*, 566 NYS2d 397 (App. Div. 1991).

- Protection of 4-year old and 2-week old children left alone for hours. *State v. Plant*, 461 NW2d 253 (Neb. 1990).
- Certain odors--Smell of ether, and defendant running from house when police arrived. *United States v. Wilson*, 875 F2d 215 (9th Cir., 1989).
- Smell of methamphetamine and sound of flushing. *State v. Heikkinen* 765 P2d 1252 (Or. Ct. App. 1988).
- Smell of decomposing body. *State v. York*, 464 NW2d 36 (Wis. Ct. App. 1990).

Plain View.

- Elements of the Plain View Doctrine are found in *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).
- Plain view alone never is enough to justify the warrantless seizure of evidence. There must be a prior valid intrusion.
- Search must be pursuant to a warrant to search in a given area for specified objects; in the course of the search come across some other article of incriminating character.

Administrative searches.

Searches to further a regulatory scheme when the Federal regulatory presence is sufficiently comprehensive and defined that the owner surely must be aware that property will be subject to periodic inspection. Administrative warrant is constitutional if it is issued pursuant to a neutral plan based on specific criteria, and if the warrant application clearly and adequately explains how an inspection of the particular company falls within the plan. *Donovan v. Trinity Industries, Inc.*, 824 F.2d 634, 635 (8th Cir., 1989).

If the primary object is to determine the cause and origin of a recent fire, an administrative warrant will suffice. The fire officials must show that a fire of undetermined origin has occurred on the premises. The scope of the proposed search is reasonable and will not intrude unnecessarily on fire victim's privacy. Search will be executed at a reasonable and convenient time. *Michigan v. Clifford*, 464 U.S. 287, 294 (1984).

Fourth Amendment as Applied to Fire Scenes

Clearly, an exigent circumstance exists allowing firefighters to enter private property to fight a fire. Firefighters may remain to determine the origin and cause of the fire. *Michigan v. Clifford*, 464 U.S. 287, 294 (1984) and *Michigan v. Tyler*, 436 U.S. 499 (1978).

Postfire searches are admissible when conducted within a reasonable time. The evidence was in plain view when seized. *Michigan v. Tyler*, 436 U.S. 499 (1978). Additional entries, however, after a reasonable time has passed, must be made pursuant to the warrant procedures.

Failure to follow Fourth Amendment guidelines can result in evidence seized pursuant to an unconstitutional search warrant, or the unconstitutional execution of the warrant, being suppressed

during the prosecution's case-in-chief if the law enforcement officer did not have an objectively reasonable belief in the warrant's constitutionality.

Case law evolution of Exclusionary Rule.

- *Mapp v. Ohio*, 367 U.S. 643 (1961).
- In *Nardone v. United States*, 308 U.S. 338, 341 (1939), Justice Frankfurter indicated that an illegal search and seizure of a person's diary together with the information obtained from the diary must be suppressed as "fruit of the poisonous tree."
- See *Wong Sun v. United States*, 371 U.S. 471 (1963). If the evidence was obtained by exploitation of the illegality, or if it was obtained by means sufficiently distinguished to be purged of the primary taint, then it may come in.

The exclusionary rule applies to the fruits of unconstitutional acts performed by government employees and their agents. It does not apply to unlawful acts. It also does not apply to acts undertaken by private citizens. *United States v. Payner*, 447 U.S. 727 (1980).

Limits to *Miranda* warning as identified in the Fifth Amendment. General rule on *Miranda* warnings when suspect is in custody or there is a "custodial interrogation" in progress-- Interrogations by police officers are much more likely to be held "custodial interrogations" requiring *Miranda* warnings than interrogations by others.

Custodial interrogations are more likely not to be found when the interrogations occur at the suspect's residence, place of employment, nonpolice vehicle, residence of another, etc. Custodial interrogations are most likely to be found when the interrogations are conducted in a police vehicle, at a police station, in jail, in prison, etc.

History of Self-incrimination Clause of Fifth Amendment

Fifth Amendment protection against self-incrimination applies to the States through the Fourteenth Amendment. *Malloy v. Hogan*, 378 U.S. 1 (1964).

The privilege "**protects an accused only from being compelled to testify against himself, or otherwise provide the state with evidence of a testimonial or communicative nature.**" *Schmerber v. California*, 384 U.S. 757 (1966).

"In order to be testimonial, an accused's communication must itself, explicitly or implicitly, relate a factual assertion or disclose information. Only then is a person compelled to be a 'witness' against himself." *Doe v. United States*, 487 U.S. 201, 210 (1988).

Placing a suspect in a lineup, or asking him/her to repeat a phrase provided by police so the witness could view and listen to the voice is acceptable. *United States v. Wade*, 388 U.S. 218 (1967).

Requiring a suspect to provide a handwriting sample does not violate the Fifth Amendment because it is an identifying physical characteristic outside the privilege's protection. *Gilbert v. California*, 388 U.S. 263

Voice exemplars are acceptable when used solely to measure the physical properties of the witnesses' voices. *United States v. Dionisio*, 410 U.S. 1 (1973).

Police could compel a suspect to provide a blood sample to determine whether the suspect was intoxicated. *Schmerber v. California*.

"The court distinguished between the suspect's being compelled himself to serve as evidence and the suspect's being compelled to disclose or communicate information or facts that might serve as or lead to incriminating evidence." *Doe v. United States*, 487 U.S. at 211 n. 10.

Once the suspect asserts his/her right to speak with counsel, further questioning must stop.

Michigan v. Tyler

A. Facts:

1. Fire starts shortly before midnight January 21, 1970, at 0000.
2. Chief See arrives at scene on January 21, 1970, at 0200.
3. Chief See's responsibility: "to determine the cause and make out all reports."
 - a. Chief See is informed by Lieutenant Lawson that two plastic containers of flammable liquid were found in the building.
 - b. Chief See determines the fire "could possibly have been an arson" and calls for Detective Webb.
 - c. Chief See "looked throughout rest of building to see if there was any further evidence, to determine what the cause of the fire was."
4. Detective Webb arrives at scene at 0330.
5. Fire is extinguished and firefighters depart at 0400.
6. Webb takes several pictures but abandons efforts because of smoke and steam.
 - a. Webb takes containers to fire station for safekeeping.
 - b. Neither Webb nor See had consent or a warrant for entries, nor for the removal of the containers.
7. See returns with Assistant Chief Somerville around 0800.
 - a. Somerville's job is to determine the "origin of all fires that occur within the township."
 - b. Fire was extinguished and building empty when they arrived.
8. Webb returns around 0900.
 - a. Webb discovers suspicious "burn marks in the carpet which he could not see earlier because of heat, steam, and darkness."
 - b. Webb also discovers "pieces of tape, with burn marks, in the stairway."
 - c. Webb removes the carpet and sections of the stairs to preserve as evidence.
 - d. Somerville searches through rubble "looking for any other signs of evidence that showed how this fire was caused."

9. Sergeant Hoffman of Michigan State Police Arson Section arrived on February 16, 1970, to take photos at scene.
 - a. Hoffman checked circuit breakers.
 - b. Hoffman had television repairmen examine remains of television sets found in ashes.
 - c. Hoffman's entries were without warrants or consent.
 - d. Hoffman's purpose was "of making an investigation and seizing evidence."
- B. Michigan Supreme Court holding:
 1. Once firefighters leave the premises, a warrant is required to reenter and search premises, unless there is consent, or premises have been abandoned.
 2. All evidence collected after fire was extinguished at 0400 was excluded in violation of Fourth and Fourteenth Amendments.
- C. State of Michigan's position:
 1. Entry to investigate cause of fire is outside protection of Fourth Amendment because no individual privacy interests are threatened.
 - a. If occupant set blaze, then his "actions show he has no expectation of privacy."
 - b. If fire has other causes, occupants are treated as victims.
 2. No purpose would be served by requiring warrants to investigate cause of fire.
- D. Majority opinion.
 1. Recognizes people still have protected privacy interests in burned property.
 2. Courts specifically held that it is impossible to justify warrantless search on grounds of abandonment by arson.
 3. Fourth Amendment applies to firefighters.
 4. Both administrative searches and searches for evidence of crime are encompassed by the Fourth Amendment.
 - a. Probable cause for administrative searches exists if reasonable legislative or administrative standards for conducting area inspection are satisfied.
 - b. Such searches will not depend necessarily on specific knowledge of the conditions of the particular dwelling; rather, may be based upon passage of time, nature of building, condition of entire area, etc. *Camara v. Municipal Court*, 387 U.S. 523.
 5. Major function of warrant is to provide property owner with sufficient information to reassure him of the entry's legality.
 6. If authorities are seeking evidence to be used in criminal prosecution, the usual standard of probable cause will apply.
 7. All entries in this case were without proper consent and were not authorized by valid search warrant--each is therefore illegal **unless** it falls within one of the carefully defined classes of cases (**exigent circumstances**).
 8. Burning building is exigency to render warrantless entry reasonable.
 - a. Once inside, firefighters may seize evidence of arson that is in plain view.
 - b. Supreme Court specifically rejects position that once fire ends, the justification for being on property ends.
 9. Officials need no warrant to remain for reasonable time to investigate cause of blaze after extinguished.

10. Court finds morning reentries by Chief See, after firefighters departed at 0400, acceptable as an actual continuation of the first entry.
 - a. Court permits the evidence collected on January 22 as admissible evidence.
 - b. All entries after January 22 were done without consent or valid warrant and no exigent circumstance existed to justify reentry.

Michigan v. Clifford

- A. Timeline:
 1. Fire truck arrives at Clifford house on October 18, 1980, at 0540.
 2. Fire extinguished and all fire and police depart 0704.
 3. Lieutenant Beyer told to investigate Clifford fire on October 18 at 0800.
 4. Lieutenant Beyer arrives at Clifford house on October 18 at 1300.
 - a. Beyer sees work crew on scene boarding up house.
 - b. Crew pumping 6 inches of water out of basement.
 - c. Neighbor tells Beyer he called Clifford and has been instructed to call Clifford's insurance agent to hire boarding crew to secure house.
 5. Lieutenant Beyer begins search of house at 1330, after water is pumped out.
- B. Evidence:
 1. In driveway, Lieutenant Beyer sees fuel can which firefighters found in basement. He seizes the evidence.
 2. Lieutenant Beyer begins search without a warrant or obtaining consent.
 3. Beyer's search quickly confirms that fire originated beneath basement stairway.
 4. Beyer detects strong odor of fuel throughout basement.
 5. Beyer finds two more Coleman fuel cans beneath stairway.
 6. Beyer further finds crock pot with attached wires leading to electrical timer plugged into outlet. Timer set to turn on at 0345 and to turn off at 0900. Timer had stopped somewhere between 0400 and 0430.
 7. Beyer and partner then search remainder of house going through drawers and closets. They find nails but no pictures on the walls.
- C. Clifford's position:
 1. Exclude evidence in basement and upstairs searches because the searches were to gather evidence of arson and were conducted without warrant, consent, or exigent circumstance.
 2. Search violated the Fourth and Fourteenth Amendments.
- D. State's position:
 1. Exempt from warrant requirement all administrative investigations into cause and origin of fire.
 2. Modify *Tyler* to allow warrantless searches in this case.
- E. Issue the Court decided:

Can an arson investigator, in the absence of exigent circumstances or consent, enter a private residence without a warrant to investigate the cause of a recent fire?

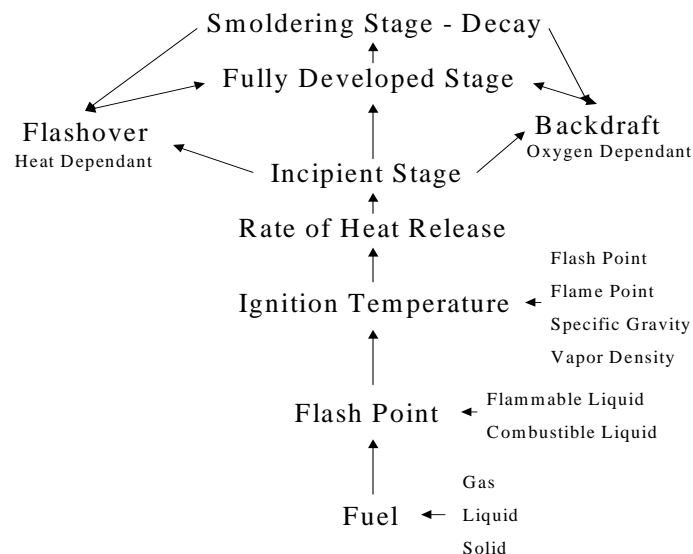
- F. Plurality opinion (Powell, Brennan, White, and Marshall).
1. Court declines to exempt administrative investigation into cause and origin of a fire from warrant requirement.
 2. Constitutionality of warrantless and nonconsensual entries onto fire-damaged premises turns on several factors:
 - a. Are there legitimate privacy interests in fire-damaged property that are protected by the Fourth Amendment?
 - b. Do exigent circumstances justify governmental intrusion regardless of any reasonable expectation of privacy?
 - c. Is the object of the search to determine the cause of the fire or to gather evidence of criminal activity?
 3. Legitimate privacy interests.
 - a. Objective test: whether the expectation of privacy is one that society is prepared to recognize as "reasonable" (*Katz v. United States*).
 - If yes then warrant requirement applies.
 - If no, then there is no warrant requirement.
 - b. Court found Cliffords had personal belongings which remained after the fire and that they had taken action to secure their home against intrusion.
 - c. The Cliffords retained a reasonable privacy interest in their fire-damaged residence, and postfire investigations were subject to warrant requirement.
 4. Exigency:
 - a. Court followed *Tyler* and held that a burning building creates an exigency that justifies a warrantless entry to fight the blaze.
 - b. Once in the building the fire officials need no warrant to remain for a "reasonable time to investigate the cause of a blaze after it has been extinguished." (*Tyler*.)
 - c. Determining cause and origin of fire serves a compelling public interest; warrant requirement does not apply in such cases.
 - d. Additional investigation begun after fire was extinguished and firefighters and police have left the scene generally must be made pursuant to a warrant or the identification of some new exigency.
 5. Object of the search (if warrant is necessary):
 - a. If primary objective is to determine origin and cause, an administrative warrant is sufficient. Must show:
 - Fire of undetermined origin has occurred on premises.
 - Scope of proposed search is reasonable and will not intrude unnecessarily on fire victim's privacy.
 - Search will be executed at reasonable and convenient time.
 - Evidence found in plain view may be seized in administrative search.
 - Administrative search into cause of a recent fire does not give fire officials license to roam freely through fire victim's private residence.
 - b. If primary objective is to gather evidence of criminal activity, criminal search warrant may be obtained on showing of probable cause to believe relevant evidence will be found in place to be searched.

6. Court found warrantless and nonconsensual search of basement and house would be valid only if exigent circumstances justified object and scope of each.
 - a. Beyer's search was for evidence of criminal activity as to basement and house.
 - b. Excludes all evidence except the gas can found on the driveway in plain view.
 7. Plurality distinguishes *Clifford* from *Tyler*.
 - a. Challenged search was not continuation of earlier search.
 - b. The Cliffords had taken steps to secure their privacy interests that remained in their residence.
 - c. The Cliffords' privacy interests in their residence were significantly greater than those of Tyler in the fire-damaged furniture store.
 8. Plurality holds: A subsequent postfire search must be conducted pursuant to a warrant, consent, or the identification of some new exigency.
- G. Stevens concurrence:
1. Unanimity exists, within the Court, regarding the scope of Fourth Amendment protection afforded to owner of fire-damaged building:
 - a. No one questions right of firefighters to make forceful, unannounced, nonconsensual, warrantless entry into a burning building.
 - b. Firefighters have the right to remain on premises, not only until the fire is extinguished and no danger of rekindling exists, but also to investigate the cause of the fire.
 - c. After investigators determine the cause of fire and have located the place it originated, search of other portions of premises may be conducted only pursuant to a warrant.
 2. Argues the presumption that once firefighters depart, fire has been extinguished and any danger of rekindling is slight.
 3. Stevens argues fire investigators should give the homeowner reasonable advance notice of their reentry unless they have probable cause to believe the crime of arson has occurred.
- H. Dissent (Rehnquist, Chief Justice, Blackmun, and O'Connor).
1. Finds the plurality's distinction from *Tyler* to be inconsequential.
 2. Allows search of Clifford basement, but does not allow evidence from search of remainder of house.

BURN SIMULATION

In order to use the theories discussed in this course, you will be assigned to the investigation of an actual burn scene that the National Fire Academy (NFA) has produced. Each fire scene was developed in the burn buildings located on the campus of the NFA. They have been set up and burned prior to this course. Students do not participate in the setup and burn, only in the unit exercise. Since the NFA arson burn buildings will serve over 300 students per year, we must limit your activities while in the arson burn buildings. Thus, your scene examination will be **strictly visual**--do not rearrange the materials present or remove any items from the scene. Allowances have been made for these restrictions; your team still should be able to reasonably complete your assignment. There will be four separate burn scenes used for this activity.

As mentioned above, you will be assigned to a team and to a (only one) fire scene for which your team will be responsible. Actual team responsibilities will be explained in detail prior to this exercise. Your team is to concern itself only with the interior of each scene (interior wall to interior wall). Each team also will receive a brief written description of the available facts pertaining to the scene. You will be given time to review this information prior to starting your scene examination. Remember, you are dealing with possibilities/probabilities; therefore you must consider more than one possible solution to the fire. Because these scenes were arranged to simulate situations you may encounter in day-to-day duties, you will need to consider both accidental and incendiary fire causes. As you process the fire scene consider all aspects of fire behavior. The chart below characterizes what you will see, what you will investigate, and what you will determine to be your origin and cause of the fire.



NFA WELCOME PACKAGE

Below is information to help you plan your travel to the National Emergency Training Center (NETC). Even if you've taken classes at NETC previously, please read it carefully. ***The procedures may have changed since you were here last, and you will be responsible for complying with the current procedures.*** The last page of this package is entitled "CONTACT INFORMATION." We suggest you print it and provide a copy to your family and office staff in case they need to contact you **while you are here**. Although *friends or family may not stay in Housing*, they are welcome to attend graduation. Please contact Security before their arrival for current security protocol required for their entry to NETC campus.

If you have any questions, you may call us at either (800) 238-3358 or (301) 447-1000. When you reach the operator, ask for the appropriate extension:

- **Housing/Transportation---1048/1113**
- **Admissions---1035**
- **Food Service (Guest Services)---1551**
- **Security---1111**

You may send an email to:

- **Housing/Transportation:** NETC-Housing@dhs.gov
- **Admissions:** NETC-admissions@dhs.gov
- **Food Service:** NETC-cafeteria@dhs.gov

If you need to fax information to any of the following offices, please note the following fax numbers:

- **Housing/Transportation:** (301) 447-1324
- **Admissions:** (301) 447-1441
- **Food Service:** (301) 447-6944



SECURITY



Due to increased security precautions, students should bring two photo ID's to campus. PLEASE HAVE THEM WITH YOU, NOT IN YOUR BAGGAGE! If you do not have the photo ID's, you will not be permitted on campus. Security checks will delay your registration at the NETC.

If you are a student from a foreign country, please be prepared to show your passport or visa at registration.

Firearms: Prohibited on campus!

Due to heightened security requirements, please understand that security and law enforcement personnel may search you, your vehicle or your luggage. Maryland law is very narrow in its definition of law enforcement officers who may carry firearms. For your own protection, and to expedite your processing into the NETC, **do not bring weapons of any kind to campus**. Weapons include knives with blades longer than 3 inches, machete, bow & arrows, ammunition, rifles, shotguns, pistols, etc. Sworn/commissioned, and state POST certified officers and federal officers, or local officers with concurrent jurisdiction who require a firearm for the performance of required official duties must obtain an exception from the Director of Support Services prior to arrival on campus. If you arrive at NETC with weapons of any kind without prior approval, your entry to campus will be significantly delayed.

Alcoholic Beverages: Consumption of alcoholic beverages is limited to the Pub & Log Cabin. Alcohol is not allowed in lodging rooms or vehicles, and will be confiscated. If you arrive at NETC with, or are attempting to bring alcohol on campus, your entry to campus could be significantly delayed.



TRAVEL



TRAVEL BY AIR:

- You **must** make your own travel arrangements.
- You **must** be sure your flights meet the shuttle pickup/departure times, and the ticket purchase follows the parameters of travel as defined under “**REIMBURSEMENT**” in this package.

NETC SHUTTLE SERVICE:

- Shuttle service is available between NETC and the airport(s) listed on the “**COURSE SPECIFIC INFORMATION**” sheet – a pink page enclosed with the acceptance letter you received for this class. **Read it carefully before making flight arrangements!**
- If you need bus transportation to NETC from the airport, you should plan to arrive at least 1 hour before bus departure time. **You must notify (email, phone or fax) the NETC Transportation Office at least 1 week prior to the course start-date to reserve a seat. IF YOU DO NOT CALL, SEATING MAY NOT BE AVAILABLE AND TRANSPORTATION TO EMMITSBURG WILL BE AT YOUR OWN EXPENSE.**
- **Our transportation will be either a motor coach/charter bus identified with NETC signage in the front window/door, or a maroon passenger van with the NETC signage in the front window.** You may contact the NETC Transportation Office a day before your arrival to inquire as to which vehicle will be used. For airport security reasons, **our drivers cannot leave their vehicles** and must circle the airport pickup area, **SO YOU WILL NEED TO LOOK FOR THE BUS OR VAN. If you do not see the vehicle 5 minutes prior to the pickup time, please call the NETC Transportation Office for guidance.**

SHUTTLE PICKUP POINTS AT EACH AIRPORT: *(check your pink “Course Specific Information” sheet as to which airport you may use. You can **ONLY** use an airport listed on that sheet! Ground transportation from other airports may be at your own expense. If your **scheduled arrival time** does not coincide with the shuttle schedule, ground transportation will be at your own expense as well.)*

- **Ronald Reagan National Airport (DCA):** Pickup is near the Travelers’ Aid Desk in Terminal ‘B’ (Lower Level, between gates 5 & 6). **Buses and vans** depart from the outside lane. If you arrive in Terminal ‘A’ please take the Economy/Rental Car airport bus shuttle to Terminal ‘B’, lower level, or walk across the terminal connector and go downstairs to exit door number 5, on your left.
- **Baltimore/Washington International Airport (BWI):** Pickup is near the Lower Level Baggage Areas 13 & 14. There is not a Travelers’ Aid Desk in this location. Buses and vans depart from the outside lane. BWI Airport is currently undergoing construction. If you have any questions or concerns, please contact the NETC Transportation Office or visit the BWI website at:
http://www.bwiairport.com/customer_assistance/lower_level_terminal-map
- **Dulles International Airport (IAD):** There is a Traveler’s Aid Desk between Baggage Claim Areas 4 & 5 on the baggage level, located at the east end of the terminal. Go up the ramp and out exit-door number 6.

DELAYED FLIGHTS: If you are scheduled to use NETC transportation, but your flight is delayed for other than weather-related reasons, the airline is responsible for your transportation. If they will not transport you, please call the NETC Transportation Office when you arrive at the airport (it will be approximately 2 hours before we can pick you up). **If you choose not to use NETC transportation and arrange for other transportation, it will be at your own expense.**

IF DRIVING:

- You may arrive on campus any time after 12:30 p.m. the day before your course begins.
- You must depart campus after the end of your course, except for courses with a next-day departure date.

- Your vehicle must be registered at Housing/Security for stipend/security reasons, even if you do not stay on campus.
- **There are no connections for mobile homes or recreational vehicles available at NETC.**

DIRECTIONS TO NETC:

- **From Baltimore:** I-695 (Baltimore Beltway) to I-70 West (towards Frederick) to Route 15 North to Emmitsburg. Left turn off Route 15 to South Seton Avenue. 2nd Right onto campus (tree-lined drive).
- **From Washington:** I-495 (Washington Beltway) to I-270 North (towards Frederick) to Route 15 North to Emmitsburg. Left turn off Route 15 to South Seton Avenue. 2nd Right onto campus (tree-lined drive).
- **From Philadelphia and East:** Pennsylvania Turnpike West to Harrisburg, Exit 236 (Route 15). Go South on Route 15 to Emmitsburg. Right turn off Route 15 to South Seton Avenue. 2nd Right onto campus (tree-lined drive).
- **From Pittsburgh and West:** Pennsylvania Turnpike East to Harrisburg, Exit 236 (Route 15). Go South on Route 15 to Emmitsburg. Right turn off Route 15 to South Seton Avenue. 2nd Right onto campus (tree-lined drive).



REGISTRATION



Where do I register?

- Class, dormitory, and vehicle registration will take place in Building C Lobby.
- Since you may have to walk some distance to your room, we recommend you bring luggage with wheels.

If I am claiming stipend reimbursement, what do I need to provide at registration?

- **A copy of a check for an account that bears your name. Deposit slips or accounts for an organization or another individual are not acceptable;** a copy of a check is the best source for the correct financial information.
- We've found it speeds up registration if you fax the information to the Admissions Office (301) 447-1441 **prior** to your course start date. Please include your name, Social Security Number, and course code/title/date on the fax along with your vehicle or flight information. Please be sure that the copy is legible.
- If your account is with a credit union, or if the account is payable through another bank, please have the bank provide you with the routing and account numbers for ACH deposit.
- If you incurred additional expenses for transportation/lodging/meal costs, **you must receive prior written approval** to be eligible for reimbursement of these expenses. If approved, **original receipts must** be presented at the time of your arrival.
- **If traveling by air or train you will need:**
 - **A copy of your ticket** that shows an itinerary of your trip indicates proof that the ticket was purchased at least 21-days in advance of the course travel date, and is non-refundable.
 - If you have an electronic ticket, you must submit the itinerary/receipt (with ticket number and actual ticket amount shown as having been paid).
- **If driving, you will also need to provide:**
 - **Automobile registration**
 - **Odometer readings**
 - **License tag number**
 - **A signed statement from the owning agency on letterhead stationery acknowledging your eligibility for reimbursement, if you are driving a state, county or municipal vehicle**
 - If you drove to NETC, but you will not be keeping your car on campus, it **must be registered on campus or you will not** receive reimbursement.

What if I am here for back-to-back courses?

- You will be housed in the same room for the entire length of the stay. If you stay off-campus and do not purchase a meal ticket for the time between the courses, you must check out of housing after the first course ends (turn in the keycard and remove your belongings), and be assigned a new room upon your return.
- **If you choose to leave campus between courses**, any additional expenses that you may incur shall remain your responsibility.



LODGING

Must I call to make a lodging reservation?

- No, rooms are assigned once you are accepted into a course. Because of the random assignment, you may or may not be lodged in the same building as your classmates.
- We make every effort to ensure you have a single room. However, if the student count is high, you may be doubled with another student. **PLEASE DO NOT CALL TO REQUEST A SINGLE ROOM.**
- **IF YOU HAVE A DISABILITY AND NEED SPECIAL ACCOMMODATIONS**, please contact the Admissions office at least 2 weeks prior to your arrival on campus.
- **Some buildings do not have elevators. If that is a problem, please contact Admissions at least 2 weeks prior to your arrival.**

Is there a charge for lodging?

- No, not if you are eligible for stipend reimbursement **or if you are a DHS federal traveler** (see “Reimbursement” section).
- If you **DO** have to pay for lodging, the current charge is \$30/day.
- NETC Housing accepts cash, personal check, travelers check, and credit card (American Express, VISA, MasterCard and Discover).

What if I want to stay off campus? If you choose to stay off campus, it will be at your own expense. You will still need to purchase a break ticket from **the food service contractor** for the length of your class.

What amenities are in each room?

- Private bathroom
- TV and clock radio
- Refrigerator
- Linens and towels, with daily housekeeping service.
- Telephone with voice mail
- A telephone jack is located in each room for dial-up Internet access. Check with your Internet Service Provider (ISP) for local calling area access. Out-of-area ISP accessibility will require credit card, third party or collect billing for access from NETC. You should consider bringing a longer cord (10 ft.) if you are bringing your laptop computer. Some courses require students to bring reports or projects to be shared with the class. It is convenient to bring that information in an electronic format. NETC can support CD-ROM, USB devices and 3-1/2” floppy storage. USB devices will be scanned before being allowed to connect to Government equipment.

Additional costs you could incur during your stay:

- Laundry and vending machines; dry cleaner costs
- Recreation Association pass (\$1) allows use of all recreation facilities and Pub (see section on NETC Recreation Association)
- Class Shirts or Group Donations
- Off campus class dinners

Are there laundry facilities available?

- Yes, there are coin-operated washers and dryers in each lodging building (change available at the convenience store on campus).
- You may purchase laundry supplies at the convenience store on campus.

Are family, friends or pets allowed in the lodging rooms on campus?

- No, **only the assigned NETC student** is allowed in the room. Relatives or friends are not allowed in the rooms, and cannot be lodged on campus. Upon request, the NETC Housing Office will provide information regarding local off campus accommodations; however, you are responsible for arranging and paying for those accommodations.
- Animals are not allowed in campus housing, except for seeing-eye and other service dogs. Please notify the housing office at least 2 weeks in advance if you will be bringing a guide/service dog.

What time must I check out of my room? Check out time is **9:00 a.m.** You may leave your luggage in your room until 9:30 a.m., but it must be packed and by the door. When you return for your luggage, please **do not** use the bathroom facilities if the room has already been cleaned for the next occupant. Please return your key card to the front desk by 9:30 a.m.--you will no longer have access to your room after that time.



DRESS CODE



It is each student's responsibility to use good judgment in selecting attire which projects a professional image, and is appropriate for both climate differences and classroom activities. Generally, the standard is business casual. NFA staff have the authority to make a determination that a student's attire may be inappropriate. Students whose attire is determined to be inappropriate will be required to change into more appropriate clothing before being allowed to continue class.

Acceptable Attire for Classroom Settings:

- **Males:** Shirts with collars; dress jeans. Departmental uniforms; departmental T-Shirts; shoes and socks.
- **Females:** Dresses; blouses; slacks; capris; dress jeans; skirts; skorts; departmental uniforms; departmental T-Shirts, and shoes.

Acceptable Attire for Graduation:

- **Males:** Suits; sports coats; dress shirts with ties or class shirts; dress slacks, or departmental dress uniforms.
- **Females:** Suits or dresses; blouses or class shirts with dress slacks or skirts; or departmental dress uniforms.

Shorts, tank tops, ball caps, etc., are not permitted in the classrooms, auditorium, or dining hall. Bathing suits/trunks are not permitted outside the pool area. No mini skirts. Bare midriffs are not acceptable.

ADMISSIONS POLICIES

Attendance:

- **You are required to attend all sessions of the course.** If you do not, you may not receive a certificate and your stipend may be denied.
- NFA students are limited to one reimbursable trip per fiscal year (Oct 1-Sep 30). If you wish to attend a second NFA class (at your own expense) a letter to that effect must accompany the second application stating that you are waiving your stipend reimbursement.

Substitutions:

- **Substitutions for NFA courses are made from waiting lists;** slots do not belong to the departments.
- All requests to consider an equally qualified person must be in writing and be accompanied by a completed General Admissions Application (FEMA Form 75-5) for the substitute.

Cancellations or No-Shows: NFA's mission for delivery of courses is impaired significantly by cancellations and no-shows. It is very difficult and costly to recruit students at the last minute. Currently there is a 2-year ban on student attendance for students who are no-shows or cancel within 30 days of the course start date without a valid reason. If you receive such a restriction, your **supervisor** needs to send a letter to Admissions explaining the cancellation/no-show.

NETC POLICIES/INFORMATION

Conduct:

- Federal Regulations (available at the LRC).
- FEMA and NETC Instructions (available at C Lobby, dormitory rooms, and on NETC Intranet web site).

Smoking:

- All buildings on campus are **NON-SMOKING**, with the exception of the solarium portion of the Command Post Pub.
- If you smoke in your room, **you will** be asked to leave campus, relinquish your stipend reimbursement, and be charged to clean the room.

Medical services:

- All medical expenses are your responsibility.
- Local hospitals accept medical insurance identification, cash, check, or major credit card.
- If you do not have proof of insurance, expect that payment may be a prerequisite to possible treatment.
- International students should be prepared to pay for medical services in the event the hospital or provider does not accept foreign insurance coverage.

Student Word Processing Center (located in D Basement):

- Provides IBM® compatible Microcomputers with Internet access and printing capabilities.
- Systems utilize Microsoft Windows XP with Microsoft's Office Suite 2003.
- The center is open from 6:00 a.m.-11:00 p.m. every day. There is a technician available Mondays-Fridays from 5:00 p.m.-9:00 p.m., and from 8:00 a.m. till noon on Saturdays.

Learning Resource Center: Located in Building N, the LRC provides current information and resources on fire and emergency management subjects. With its collection of more than 100,000 books, reports, periodicals, and audiovisual materials, the LRC facilitates and supports student and faculty research and supplements classroom lectures and course materials. While classes are in session, the Schedule of Hours for the LRC is as follows:

Monday-Thursday	8:30 a.m. – 9:00 p.m.
Friday	8:30 a.m. – 5:00 p.m.
Saturday	4:00 p.m. – 8:00 p.m.
Sunday	12:00 p.m.- 4:00 p.m.

Telephones:

- Outgoing calls can be placed from your lodging room via calling card, collect, or third-party billing.
- ***You are not allowed to accept collect calls on campus phones. Any and all expenses related to phone use shall remain your responsibility.***

Faxes:

- Fax services are available at the convenience store for a fee.
- You may receive fax messages up to 4 pages in the Housing Office at (301) 447-1324.
- Anything over 4 pages will not be forwarded by Housing. Please use the fax service available at the convenience store, or have it sent by overnight mail.

Automatic Teller Machine: Located in D basement outside of O'Leary's Emporium, and at various locations off campus. Inquire at the registration desk at Building C for additional directions.

Public Transportation: Limited service. Inquire at the registration desk at Building C.

Car Rentals: You may contact the campus convenience store at (301) 447-1493 to arrange car rentals at your expense.

NETC Recreation Association: On the NETC campus, the NETC Recreation Association operates a Pub providing beverage and limited food service each evening. The Pub is a private club under Maryland liquor laws and membership in the Recreation Association is required for service. The cost is \$1.00 per campus stay and membership cards can be obtained from the Pub. Other items provided by the Recreation Association to its members and funded by sale of membership cards and Pub items include:

- Athletic equipment such as softball equipment, volleyballs, basketballs, golf clubs, and fishing equipment
- Keg service for special occasions such as cookouts
- Propane and replacement parts for the gas grills
- Acquisition and maintenance of the Christmas lights at the entrance to the campus
- Karaoke entertainment
- Maintenance of special stage lighting in the Student Center
- Assistance with maintenance of the bicycles
- Bicycle helmets
- Maintenance of the billiard tables and equipment
- Large screen television in the Pub
- Games in the Student Center

NETC recreational activities include:

- Gym with running track
- Exercise room
- Swimming pool
- Tennis/basketball/volleyball (sand and inside) courts
- Bicycles are available in Building H for use by Recreation Association members

Nearby points of interest/recreational facilities (in season):

- National/State parks
- Historic Gettysburg (tours available)
- Golf
- Swimming
- Snow skiing



REIMBURSEMENT



Frequently asked questions/answers about reimbursement procedures are enclosed. Please read them carefully. If you have any questions about your eligibility to receive a stipend please contact Admissions either by email at netc-admissions@dhs.gov or by phone at (301) 447-1035.

Any exceptions to travel must be requested in writing and faxed along with documentation to (301) 447-1441, AND approved in writing prior to making your travel arrangements. Otherwise, your stipend may be denied or limited to the state ceiling amount.

Who is eligible for reimbursement?

- State or local government representatives
- Recognized volunteer organization representatives
- Active emergency management organization representatives
- Representatives from State or local fire organizations
- **If you do not apply for a stipend reimbursement within 60 days following the course start date your stipend reimbursement will be denied.**

Who is NOT eligible for stipend reimbursement?

- Federal government (federal students are subject to federal travel regulations and travel under orders prepared by their office)
- Private Industry employees
- Employees who are contracted to Federal, State or local government entities (such as Rural Metro departments)
- Representatives of a foreign organization

How will I be reimbursed?

- Reimbursement will be electronically deposited into the checking or savings account that you identify.
- **Reimbursement will only be made to an account that bears your name.** You are responsible for reimbursing your department, if applicable. This is a result of increased restrictions by the receiving financial institutions.
- **If you do not have a personal account, please contact the Admissions office prior to your arrival for further instructions.**

If I fail the course, will I be reimbursed?

- If eligible for a stipend, you **will** be reimbursed for the course you failed.
- If you reapply to either EMI or NFA and are accepted, no stipend will be paid for that course, and you will be required to pay for lodging. Once you successfully complete a course, you will once again be eligible to receive a stipend for future courses.

If I fly, what will I be reimbursed? You will be reimbursed the cost of a direct (no side-trips or extended stays), **21-day prior to the course travel date pre-purchase, non-refundable** ticket for round/trip transportation by common carrier (economy coach class or less) for each course or back-to-back courses that you attend. Proof of non-refundable fare is required!

- ***If you take side trips or travel outside of the defined travel days,*** your reimbursement shall be limited to **no more than** the state ceiling amount as noted on the enclosed Reimbursement Ceiling Chart.
- ***To eliminate the perception of misuse of government funds, FIRST CLASS, BUSINESS CLASS and REFUNDABLE AIRLINE TICKETS WILL NOT BE REIMBURSED AT FULL FARE,*** unless you request, in writing, an exception PRIOR to making your travel arrangements, and have received a written approval. Otherwise, your reimbursement will be limited up to the state ceiling amount.
- **It is your responsibility to find the cheapest ticket available.** Failure to do so may result in your reimbursement being limited to the state ceiling amount.

- **Use of frequent flier miles** toward the purchase of a ticket is **NOT** reimbursable.
- **Flight or ticket insurance is not reimbursable.**
- If any portion of your airfare is subsidized by another source, that portion is **NOT** reimbursable under the Stipend program.

If I drive, what will I be reimbursed? You will be reimbursed the current Privately Owned Vehicle (POV) Federal mileage allowance, or the state ceiling, **WHICHEVER IS LESS.**

- POV mileage is subject to validation.
- **If you do not register your vehicle with the Housing Office,** reimbursement for POV mileage may be denied.
- **If someone is dropping you off,** you *must* have the vehicle verified by the Housing office prior to the vehicle departing campus, or your stipend will be denied.
- If you carpool with another student, only the driver will be reimbursed.
- If you drove a rental car instead of your POV, your reimbursement is limited to the POV allowance.

If I take a train or bus, what will I be reimbursed?

- Your reimbursement is limited **to the cost of the ticket**, not to exceed the state ceiling **amount.**
- You must provide copies of the tickets actually used.
- Reimbursement shall not include costs for sleep accommodations or for transport of vehicles on the train.

If I save money on my airfare, will I be reimbursed for extra expenses? Yes, but **ONLY** if your class is **5 days or less in length with no Saturday stay over**, and you save a **minimum of \$250** off the cost of a 21-day prior to the course travel date pre-purchase non-refundable round trip economy class common carrier ticket. To do this, submit **written** documentation of the savings -- this can consist of itinerary copies of both the original price and the cheaper fare, OR copies of both fares from the Internet. Comparisons should be of like travel. If you do not acquire written approval from Admissions **prior** making your travel arrangements, the extra expenses **will not** be reimbursed. The following options apply if your request is approved:

a.) You may stay on campus 1 night prior to your regularly scheduled arrival date if lodging is available and you have received written approval to do so.

- Please contact the NETC Transportation Department to see if there will be shuttle service available on your travel date. If you carpool using a rental car, the rental agency must list (as drivers) all eligible students claiming reimbursement on the rental agreement or only the driver will be reimbursed.

b.) You may stay in the Baltimore/DC metro areas before or after your course.

- If you save at least \$250.00 in airfare as noted in the terms above, you may be reimbursed up to \$90/day (2-day limit for savings over \$500) for lodging or transportation expenses. **Original** receipts must be provided. If you carpool **from the airport** using a rental car, all students claiming reimbursement must be listed (as drivers), by the rental agency on the rental agreement or only the driver will be reimbursed.
- If you stay after your course ends, ask for a Stipend Agreement Amendment (FEMA Form 75-3a) when you register. When you return home, mail it with **original hotel or transportation** receipts to Admissions, Room I-216, 16825 South Seton Avenue, Emmitsburg, MD 21727 within 60 days of the start date of the course, or reimbursement **WILL BE DENIED.**



FOOD SERVICE



Must I purchase a meal ticket?

- If you stay on campus, you **must** purchase a meal ticket. **If you do not, you will be asked to vacate your room on campus. You will then be responsible for your off-campus lodging costs, and we will deny your request for stipend reimbursement.**
- If you stay off campus, you **must** purchase a break ticket, currently \$3 per day.

What is the cost of my meal ticket?

- Your meal ticket cost is identified in your acceptance letter.
- Meals other than those included in your meal ticket are to be paid for by cash.

What if I'm here for back-to-back courses?

- Your meal ticket includes the time between the two courses.
- If you stay off campus between the two courses (vacating your room), you must notify the food service Contractor **before** purchasing your meal ticket for the first course. If you do not, you will be charged the full amount. (*Refer to information under "Registration."*)

How do I pay for my meals?

- Cash
- Traveler's checks
- State or Local government checks payable to the food service contractor
- Advanced payment by department check. **Please notify your department to include: your name, course code and course date on the check**, and send it to the food service contractor at Building K, 16825 South Seton Avenue, Emmitsburg, MD 21727. Please call the food service if you need their Federal Tax ID#.
- Purchase order payable to the food service contractor
- Credit card (MasterCard or VISA) (Minimum charge of \$6)
- **The food service contractor DOES NOT accept personal checks.**

What if I will not be on campus for the first and last meal identified as part of my meal ticket? You must notify the food service contractor at least 1 week prior to your course start date. If you do not, you will be obligated to pay the full amount.

May I get a refund on my meal ticket? There are no refunds except for emergency departures!

What if I'm on a special diet? Please call the food service contractor or fax your request to (301) 447-6944 at least 2 weeks prior to arriving at NETC. They will make arrangements to meet your needs. If you don't make arrangements prior to your arrival, you will be responsible for purchasing the normal meal ticket.

What happens if the bus arrives after the dining hall has closed?

- The food service contractor will provide you with a boxed dinner.
- Snack food is available at the Command Post Pub.

CONTACT INFORMATION

How do I get a telephone call? The caller may dial your direct extension (301) 447-xxxx. If requested, you will be provided with your extension at check-in. Numbers are NOT given to anyone else.

- For non-emergency situations, the caller may dial (301) 447-1048. The Student Coordinator will either transfer the call to your room or take a message and place it on the message board located in 'C' Lobby, which you should check daily.
- ***NETC will not accept personal telephone calls to students from the (800) number.*** Family members should dial (301) 447-1000 to contact a student.
- ***You may NOT accept collect calls.*** To do so may restrict you from attending future EMI or NFA courses.

What if the call is an emergency?

- The caller should state that the call is an emergency.
- The message will be delivered to you immediately unless you are not on campus.
- If you are leaving campus for a period of time, you should notify security where you can be reached.
- If you must return home due to an emergency, check out with the Housing Office in Building C before you depart the campus!

How do I get mail?

- Mail is delivered to C Lobby Monday through Friday, except Federal holidays.
- All packages are x-rayed and no delivery is provided on weekends or holidays.
- Letters or packages should not be mailed to reach NETC ***before*** you arrive, since mail-holding areas are not available. Mail received when you are not on campus will be automatically returned to the sender.
- Outgoing mail should be deposited in the mailbox located near Building K (Dining Hall). The NETC Mailroom cannot mail outgoing items for students.
- Address:

(Your name)--Student
National Emergency Training Center
Building C, Room (**Room numbers are provided upon arrival**)
16825 South Seton Avenue
Emmitsburg, MD 21727-8998



National Emergency Training Center
16825 South Seton Avenue
Emmitsburg, Maryland 21727

FREQUENTLY ASKED REIMBURSEMENT QUESTIONS

1. **Why must I be reimbursed electronically?** Public Law 104-134 mandates that after January 1, 1999, all Federal payments shall be made by electronic funds transfer unless a waiver is obtained from the Secretary of the Treasury.
2. **If my organization paid for my ticket, may I request that the reimbursement go to them?** Due to increased restrictions by the receiving financial institutions, money should only be deposited into an account bearing your name. You may then reimburse your organization.
3. **What if I don't have a checking account?** The money can be deposited into a savings account. Please call the Admissions Office (301-447-1035) and we will send you a form to complete. If you don't have a checking or savings account, you **MUST** submit a letter stating that fact, and a check will be sent to your home address. However, your reimbursement may take longer up to 12 weeks.
4. **How will I know when it's deposited?** The entry in an account may differ from bank to bank, but most likely it will be listed as "FED SALARY, FEM2, or TREAS" and will probably **NOT** have your name next to it.
5. **How long will it take for me to receive reimbursement?** The reimbursement should be made to your account no later than 6-8 weeks from the course start date. If after 8 weeks you still haven't received your reimbursement, please call the Admissions Office at (301) 447-1035 or email us at netc-admissions@dhs.gov to check on the status of your claim.
6. **What would delay my stipend being processed?** Not having any of the following: 1) your airline ticket; 2) itinerary with ticket number and payment made (ticket number pending is not acceptable); 3) POV information; 4) request from your organization for reimbursement or 5) the appropriate direct deposit information. If you bank with a credit union, please have them confirm your routing and account numbers.
7. **What would reduce my stipend claim?** Your stipend might be reduced if you purchased a refundable, first- or business-class ticket; took side trips or had extended stays; or purchased your ticket within 21 days prior to the course travel date.
8. **What if I am submitting an electronic airline ticket?** You must submit the itinerary receipt (listing the ticket number and showing that payment was made) at registration. If the itinerary does not identify that the ticket is non-refundable, you need to provide us with documentation that the ticket is either non-refundable or the cheapest fare available at the time you purchased your ticket. If you do not provide the documentation to us, we will only reimburse up to your state's ceiling amount.
9. **Will I be reimbursed for the airfare if frequent flyer miles are used?** Frequent flyer miles cannot be reimbursed because you would not be incurring out-of-pocket expenses.
10. **What do I need to provide if I take a side/extended trip?** If the cost is less than your state's ceiling amount, you will be reimbursed for the cost of the ticket. If the cost is higher than your state's ceiling amount, your reimbursement will be limited to your state's ceiling amount.
11. **Do I receive reimbursement for parking, shuttles and travel between my home and my local airport?** No, those expenses are part of the student's share of the stipend program.
12. **Will I be reimbursed for my meals?** No, that expense is also part of the student's share of the stipend program.
13. **What is the driving mileage allowance?** Your reimbursement will be limited to the current POV Federal mileage allowance, or the state ceiling, **WHICHEVER IS LESS**. POV mileage is subject to validation.
14. **What information should I bring when driving my Privately Owned Vehicle (POV)?** You must show a picture ID (we recommend you bring two in case our security level is elevated), registration card, and have your odometer readings and license tag number **PRIOR** to receiving your room key. Some states do not require the registration to be in the vehicle. However, you must submit a copy of your POV registration to be eligible for a stipend.
15. **What documentation do I need if I am driving my organizational vehicle and they want to be reimbursed for my mileage?** In addition to the information listed in question #14, you also need a statement from your organization, on organization letterhead, stating that you are authorized to drive the vehicle and they would like you to receive reimbursement. If you carpool with another student, only one driver will be reimbursed. As stated in #2, the reimbursement will be made to your account. You will be responsible for reimbursing your organization.
16. **What if I'm driving with family, and they will be using the car off campus while I'm at NETC?** You must register your car on campus prior to your family taking the car off campus or you will not be eligible for reimbursement.

THIS TABLE WILL BE USED TO DETERMINE REIMBURSEMENT FOR NETC STUDENTS WHO:

- Drove or traveled by bus or train
- Did not purchase or show proof of non-refundable fare
- Purchased tickets less than 21 days prior to course travel date
- Took side-trips or had extended stayovers

STATE	SAT STAYOVER	NO SAT. STAYOVER
AK – Alaska	\$855.00	\$920.00
AL – Alabama	\$365.00	\$405.00
AR – Arkansas	\$360.00	\$500.00
AS—American Samoa	\$2275.00	\$2275.00
AZ – Arizona	\$480.00	\$535.00
CA – California	\$470.00	\$545.00
CO – Colorado	\$400.00	\$430.00
CT – Connecticut	\$215.00	\$300.00
DC – District of Columbia	\$100.00	\$100.00
DE – Delaware	\$145.00	\$145.00
FL – Florida	\$375.00	\$480.00
GA – Georgia	\$330.00	\$440.00
GU—Guam	\$2170.00	\$2170.00
HI – Hawaii	\$1075.00	\$1105.00
IA – Iowa	\$365.00	\$445.00
ID – Idaho	\$520.00	\$535.00
IL – Illinois	\$260.00	\$375.00
IN – Indiana	\$270.00	\$270.00
KS – Kansas	\$325.00	\$370.00
KY – Kentucky	\$250.00	\$310.00
LA – Louisiana	\$430.00	\$430.00
MA – Massachusetts	\$200.00	\$285.00
MD – Maryland	\$100.00	\$100.00
ME – Maine	\$345.00	\$400.00
MI – Michigan	\$410.00	\$410.00
MN – Minnesota	\$400.00	\$500.00
MO – Missouri	\$310.00	\$360.00
MP—Saipan	\$2925.00	\$2925.00
MS – Mississippi	\$355.00	\$355.00
MT – Montana	\$600.00	\$600.00
NC – North Carolina	\$300.00	\$335.00
ND – North Dakota	\$505.00	\$650.00
NE – Nebraska	\$350.00	\$525.00
NH – New Hampshire	\$185.00	\$200.00
NJ – New Jersey	\$175.00	\$175.00
NM – New Mexico	\$435.00	\$435.00
NV – Nevada	\$450.00	\$520.00
NY – New York	\$220.00	\$210.00
OH – Ohio	\$270.00	\$270.00
OK – Oklahoma	\$350.00	\$465.00
OR – Oregon	\$470.00	\$480.00
PA – Pennsylvania	\$145.00	\$145.00
PR—Puerto Rico	\$800.00	\$800.00
RI – Rhode Island	\$200.00	\$200.00
SC – South Carolina	\$325.00	\$300.00
SD – South Dakota	\$550.00	\$550.00
TN – Tennessee	\$335.00	\$335.00
TX – Texas	\$400.00	\$410.00
UT – Utah	\$505.00	\$505.00
VA – Virginia	\$175.00	\$190.00
VI—Virgin Islands	\$905.00	\$905.00
VT – Vermont	\$300.00	\$340.00
WA – Washington	\$500.00	\$500.00
WI – Wisconsin	\$300.00	\$355.00
WV – West Virginia	\$200.00	\$200.00
WY – Wyoming	\$590.00	\$600.00